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*Electronically Filed on
 February 5, 2007*

Attorneys for Del Bunch and Ernestine Bunch

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE f/k/a USA CAPITAL, et
 al.,
 Debtor.

Case No. BK-S-06-10725-LBR
 Chapter 11

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Case No. BK-S-06-10726-LBR
 Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

Case No. BK-S-06-10727-LBR
 Chapter 11

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

Case No. BK-S-06-10728-LBR
 Chapter 11

In re:
 USA SECURITIES, LLC,
 Debtor.

Case No. BK-S-06-10719-LBR
 Chapter 11

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Co.
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed
- ☐ USA First Trust Deed Fund, LLC

Appeal Ref. No. 07-05

Date of Hearing: N/A
 Time of Hearing: N/A

**APPELLANTS, DEL BUNCH AND ERNESTINE BUNCH,
 STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APEAL**

Pursuant to Bankruptcy Rule 8006 and LR 8006, Del Bunch and Ernestine Bunch
 ("Appellants") hereby file their statement of issues and designation of record on appeal as
 follows:

STATEMENT OF ISSUES

1. Whether the Bankruptcy Court erred in provisionally disallowing Appellants' claim for purposes of voting on Debtor USA Commercial Mortgage's Plan of Reorganization.

DESIGNATION OF RECORD

| <u>No.</u> | <u>DOCKET TEXT</u> | <u>DATE DOCKETED</u> | <u>DOCKET NO.</u> |
|------------|---|----------------------|-------------------|
| 1. | Schedule F, Creditors Holding Unsecured Nonpriority Claims of USA Commercial Mortgage (part 6) | 06/15/2006 | 682 ¹ |
| 2. | Schedule of Assets and Liabilities [Affects USA Commercial Mortgage Company] | 06/23/2006 | 784 |
| 3. | Proof of Claim | 11/08/2006 | 1099 ² |
| 4. | Debtors' Third Amended Joint Chapter 11 Plan of Reorganization | 11/15/2006 | 1799 |
| 5. | Plan Documents Supplement and Notice of Disclosures by the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC, Pursuant to 11 U.S.C. §§ 1129(a)(4) and (5) | 12/08/2006 | 2001 |
| 6. | USACM Committee's Plan Documents Supplement and Disclosure | 12/08/2006 | 2002 |
| 7. | Objection to Proof of Claim No. 1099 Filed by Del and Ernestine Bunch | 12/11/2006 | 2023 |
| 8. | Certificate of Service of Objection to Proof of Claim No. 1099 filed by Del and Ernestine Bunch | 12/12/2006 | 2062 |
| 9. | Motion For Order Temporarily Allowing The Claim Of Del And Ernestine Bunch For Voting Purposes (exhibits include copy of proof of claim with its attachments, claim register and copy of ballot) | 12/15/2006 | 2124 |
| 10. | Declaration of Del Bunch | 12/15/2006 | 2131 |
| 11. | Ex Parte Application for Order Shortening Time for Hearing on Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/15/2006 | 2125 |

¹ Appellants' claim is scheduled in Schedule F, part 6 of docket no. 682, sheet 6 of 26.

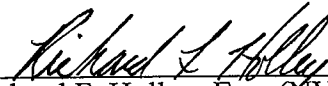
² Proofs of claim are not docketed into the main case. The docket number reflected in the designation for the Proof of Claim indicates the claim number as contained in the Claims Register maintained by the United States Bankruptcy Court for the District of Nevada.

| <u>No.</u> | <u>DOCKET TEXT</u> | <u>DATE DOCKETED</u> | <u>DOCKET No.</u> |
|------------|--|----------------------|-------------------|
| 12. | Declaration of Victoria L. Nelson in Support of Ex Parte Application for Order Shortening Time for Hearing on Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/15/2006 | 2126 |
| 13. | Attorney Information Sheet for Proposed Order Shortening Time | 12/15/2006 | 2127 |
| 14. | Certificate of Service of Motion to Temporarily Allow Claim, Ex Parte Application for Hearing on Shortened Time and Vicki Nelson declaration in support | 12/15/2006 | 2133 |
| 15. | Affidavit of Balloting Agent Regarding Solicitation and Tabulation of Votes in Connection with the Debtors' Third Amended Joint Chapter 11 Plan of Reorganization (this includes ballot summary information) | 12/18/2006 | 2165 |
| 16. | Supplement to Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/18/2006 | 2166 |
| 17. | Supplemental Declaration of Del Bunch (correspondence, checks and bank statements, 1099 statements attached as exhibit) | 12/18/2006 | 2170 |
| 18. | Notice of Hearing and Order Shortening Time to hear Motion for Order Temporarily Allowing the Claim of Del And Ernestine Bunch for Voting Purposes | 12/18/2006 | 2175 |
| 19. | Notice of Filing Transcript of Rule 2004 Examination of Del Bunch taken December 19, 2006 | 12/19/2006 | 2211 |
| 20. | USA Commercial Mortgage Company's Opposition to Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/20/2006 | 2215 |
| 21. | Reply in Support of Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/20/2006 | 2216 |
| 22. | Transcript from hearing held December 20, 2006 (ordered January 31, 2007) | -- | -- |
| 23. | Second Supplement to Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 12/28/2006 | 2322 |
| 24. | Second Supplemental Declaration of Del Bunch (additional checks attached) | 12/28/2006 | 2325 |
| 25. | USA Commercial Mortgage Company's Supplemental Opposition to Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 01/02/2007 | 2336 |

| <u>No.</u> | <u>DOCKET TEXT</u> | <u>DATE DOCKETED</u> | <u>DOCKET No.</u> |
|------------|---|--------------------------|-----------------------|
| 25. | USA Commercial Mortgage Company's Supplemental Opposition to Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 01/02/2007 | 2336 |
| 26. | Transcript from hearing held January 3, 2006 | 01/09/2007 | 28 ³ |
| 27. | [Proposed] Order Confirming the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization," as Modified Herein | 01/08/2007 | 2376 |
| 28. | [Proposed] Findings of Fact and Conclusions of Law in Support of the "Order Confirming the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization, as Modified Herein" | 01/08/2007 | 2377 |
| 29. | Order Denying Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes | 01/19/2007 | 2508 |

DATED this 5th day of February, 2007.

**SANTORO, DRIGGS, WALCH,
KEARNEY, JOHNSON & THOMPSON**


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³ The transcript for the January 3, 2007, hearing is filed in Adv. No. 06-01201, *USA Commercial Mortgage Company v. Gateway Stone Associates, LLC*